



Chester Planning Board

84 Chester Street
Chester, NH 03036
Tel. (603) 887-3636 Ext. 105
E-Mail: Planning@ChesterNH.org

Notice of Public Hearing

The Chester Planning Board will hold a Public Hearing on Wednesday, February 23rd, 2022 at 7:15 P.M. in the main meeting room at the Municipal Office Building, 84 Chester Street to act on the following:

1. Site Plan Review application of Kevin C. Scott & Annette M. Scott Irrevocable Trust (owner) and Glenn C. Gawrys (operator), for a firewood processing operation located at the property located at 359 Chester Street (Map 4 Lot 29).

The application document may be viewed during regular business hours in the Town Clerk's Office and the Planning Board Office at the Municipal Office Building. The documents are also available online on the Planning Board's webpages. Questions and/or comments should be directed to the Planning Board Office.

The meeting will also be broadcast live on Channel 20, and available on the Town's cable TV streaming service - go to <http://www.vod.chesterctv.com> and click "Watch Now".

Brian Sullivan
Chairman

Posted: ALH 2/4/22

Appendix F – Application for Site Plan Review

Chester Planning Board

Map # 4 Lot # 29

To be completed by the Applicant:

1. Owner of Record: KEVIN C. SCOTT & ANNETTE M. SCOTT IRREVOCABLE TRUST
Address PO BOX #1
CHESTER NH 03036-0001
Telephone Number 603 327 4406

2. Applicant if different than owner: NA
Address _____

Telephone Number _____

3. List professionals directly involved in the plan preparation:
Name NA
Address _____

Telephone Number _____

Name _____
Address _____

Telephone Number _____

4. List owners with 10% or more interest. Include Deed Reference
Name NA

Address

Telephone Number

Name

Address

Telephone Number

5. Location of proposed plan:

Road Name

RT 121, 359 CHESTER ST., CHESTER NH

6. Attach an abutters list and include the applicant's name. This list should state the names and addresses, as well as their Tax Map and Lot numbers. ✓ PG 7+8
7. Attach a sheet with the names and addresses of any additional professionals directly involved in the plan preparation. NA
8. Provide a written description of your intent for this project. A separate sheet may be used for this purpose. Consult the Regulations and Ordinances, Town of Chester, for more detailed information. ✓ PG 9, 10 + 11

Signature of Owner of Record

Representative of Owner of Record

2 FEB 2022

Date
2-2-2022

2 FEB 2022

Date

Appendix G – CPB Site Plan Review Checklist

Map # 4 Lot # 29

A. TO BE COMPLETED BY THE APPLICANT:

1. Plan Title: 359 CHESTER STREET
2. Owner of Record: KEVIN C SCOTT & ANNETTE M. SCOTT IRREVOCABLE TRUST
3. Applicant: KEVIN C. SCOTT
4. Authorized Representative: KEVIN C. SCOTT TRUSTEE CERTIFICATE
ENCLOSED
5. Street / Road Location: RT 121, 359 CHESTER ST
6. Is the property located in a Commercial Zone? C-1: C-2: No: X
THIS PROPERTY IS COVERED WITH A TELECOMMUNICATION FACILITY

Instructions:

- Mark each item with a "✓" (check) when submitted or with an "X" if it does not apply.
- Mark with an "*" (asterisk) those items requiring review by the Town's consulting engineer.
- Note: All items listed are subject to review by the Town's engineer and may require additional information to be submitted during the review process.
- Note: Acceptance of this application by the Planning Board does not constitute agreement whether an item marked inapplicable is actually inapplicable. The Board shall make the final determination of which items are applicable for each specific plan.

DISTRICT
OVERLAY.

B. INFORMATION SHOWN ON SITE DEVELOPMENT PLAN – EXISTING

1.	Names of and Map & Lot Numbers for all abutters. <u>PG 7+8</u>	✓
2.	Locus drawn to an adequate scale.	X
3.	3" X 5" Signature block for Planning Board Chairperson and Coordinator.	X
4.	Name of Proposed Business or Site Plan. <u>PG 9</u>	✓
5.	Name and Address of the Owner of Record with signature. <u>PG 12</u>	✓
6.	Name and Address of the Licensed Civil Engineer and/or Land Surveyor.	X
7.	Name and Address of the Wetland and Soil Scientists and their seal.	X
8.	Title, scale, north arrow, date and surveyor's seal.	X
9.	Error of Closure Statement and Signature.	X
10.	Certificate of Title (Deed Reference).	X
11.	Streets and Street Names. <u>PG 17</u>	✓
12.	Existing structures, wells, septic and leach field on property, if applicable.	X
13.	Services and Utilities. <u>PG 13 + 14</u>	✓
14.	Boundaries, Rights-of-Way, Easements. <u>PG 13+14</u>	✓

Chester Planning Board
Site Plan Review Checklist

15.	Total acreage and square footage of lot. PG- 14	✓
16.	Individual acreage and square footage of each lot.	X
17.	Location and description of all permanent lot boundary markers inclusive of easement markers, if required.	X
18.	Reference to any Variance/s or Special Exceptions from the ZBA. PG- 15	✓

C. SUBMISSION ITEMS – EXISTING

1.	Supplemental sketch plan. PG- 14	✓
2.	Photographs.	X
3.	Witnessed test pit locations and results.	X
4.	Soil types and soil boundaries.	X

D. INFORMATION SHOWN ON SITE DEVELOPMENT PLAN – PROPOSED

1.	New grades, topographic contours	X
2.	Structures; size, height	X
3.	Streets, drives, parking spaces, sidewalks, dimensions and number	X
4.	Loading spaces, facilities	X
5.	Public and private utilities	X
6.	Landscaping; type, size and spacing	X
7.	Exterior lighting and signs	X
8.	Storm drainage plan, including snow removal plans	X
9.	Circulation plan showing vehicular and pedestrian circulation	X
10.	Access plan; required public street changes, sight distance	X
11.	Dimensions between structures and property lines	X
12.	Stamp of NH Licensed Professional Engineer	X
13.	Stamp of NH Licensed Land Surveyor	X
14.	Stamp of NH Licensed Soil Scientist	X
15.	Public Land or Common Area	X

E. SUBMISSION ITEMS – PROPOSED

1.	Drainage calculations	X
2.	Legal descriptions of easements, Condominium Assoc. Documents	X
3.	Community facilities impact studies (specify areas of study)	X
4.	Environmental Impact Statement (specify areas of study)	X
5.	Agreement for land conveyance to Town	X
6.	Other (specify)	X

Chester Planning Board
Site Plan Review Checklist

F. APPROVALS

Required		Date of Approval
<input checked="" type="checkbox"/>	Local Excavation Permit	
<input checked="" type="checkbox"/>	NHDES Alteration of Terrain Permit	
<input checked="" type="checkbox"/>	NHDES Water Resource Board Approval	
<input checked="" type="checkbox"/>	ZBA Notices of Decisions – Variances or Special Exceptions	22 Dec 2021
<input checked="" type="checkbox"/>	ZBA Meeting Minutes for Variances or Special Exceptions	
<input checked="" type="checkbox"/>	Conservation Commission - Meeting Minutes	
<input checked="" type="checkbox"/>	NHDES Dredge and Fill Approval	
<input checked="" type="checkbox"/>	NHDES Approval for Sewage Disposal System – Design	
<input checked="" type="checkbox"/>	NHDES Approval for Sewage Disposal System – Construction	
<input checked="" type="checkbox"/>	NHDES Approval for Sewage Disposal System – Operation	
<input checked="" type="checkbox"/>	NHDES Community Water Supply Approval	
<input checked="" type="checkbox"/>	NHDES Underground Storage Tank Notification	
<input checked="" type="checkbox"/>	Department of Transportation Permit <i>DRIVEWAY</i>	PENDING
	Other (specify)	

PG 15

ENCLOSURE
PG 16+17


Please submit full-size six hard copies and a .pdf file of the plan set.



Signature of Owner of Record

2 FEB 2022

Date



Authorized Representative of Owner of Record

2 FEB 2022

Date

(Revised 10/3/2018)

Subdivision / Site Plan Requirement - Waiver Request Form

Name of Subdivision / Site Plan: SCOTT IRREVOCABLE TRUST

Street Address: 359 CHESTER ST

I KEVIN C. SCOTT hereby request that the Planning Board

waive the requirements of item ARTICLE 7 Specific Plan Reg. of the Subdivision / Site Plan

checklists or regulations in reference to a plan presented by ME, ON

(name of surveyor and engineer) dated 21 DEC 2021

for property tax map(s) and lot(s) 4 / 29

in the Town of Chester, NH.

As the aforementioned applicant, I, herein, acknowledge that this waiver is requested in accordance with the provisions set forth in RSA 674:36, II (n), i.e., without the Planning Board granting said waiver, it would pose an unnecessary hardship upon me (the applicant), and; due to specific circumstances relative to the subdivision, or conditions of the land in such subdivision, the granting of this waiver would not be contrary to the spirit and intent of the Subdivision / Site Plan regulations.

Hardship reason(s) for granting this waiver (if additional space is needed, please attach the appropriate documentation hereto):

ENCLOSED PAGE 10

Reason(s) for granting this waiver, relative to not being contrary to the Spirit and Intent of the Subdivision / Site Plan regulations: (if additional space is needed, please attach the appropriate documentation hereto):

ENCLOSED PAGES 19, 20 + 21

BACK + FORTH EMAILS BETWEEN BT BUNICKER,

MR. ITADIK + MYSELF PAGES 22, 23, 24 + 25

Signed: [REDACTED] 2 FEB 2022

Applicant or Authorized Agent

Planning Board Action:

Waiver Granted: _____

Waiver Not Granted: _____

Enclosure # 3

Intent for Wood Processing at 359 Chester Street, Map 4 Lot 29

Oct 25, 2021, I received notice from the BI that we were in violation of Chester Zoning Ordinance 5.3.3 – Special Exception Uses 5.3.3.1 – Saw mills and logging operations and other woodworking operations.

At the time Mr. Glenn Gawrys was indeed receiving loads of logs, cutting it into stove length, splitting it and storing piles of wood on this property. 18 years on the Chester ZBA and I did not realize that this was not permitted.

We immediately completed a request to the Chester ZBA for Special Exception from the afore mentioned ordinance. A hearing was held on 21 Dec 2021 and our request was granted, with 2 conditions.

1. SPR with the PB to address the scope of the operation.
2. NH DOT to review the existing driveway permit dated 5/12/1998 – permit # 085-98-5, pursuant to item #11 which requires any change of use shall require a new permit.

The permit request was prepared and hand delivered to District 5 DOT in Bedford 2 days later on 23 Dec 2021. The request was to amend the existing to allow for a possible residence and access to process no more than 250 cords / 35 grapple loads of wood per year, conducted Mon – Sat, during daylight only. This would average just under 1 log truck every 1 ½ weeks per year. In conversation with “Brian” at District 5 today 1 Feb 2022 he said not to expect a response for at least another 2 weeks. This would put us out 7 weeks from the initial submission.

I have held back on requesting a SPR on the outside chance the DOT would reject my driveway request and I really didn't want to spend the \$405.00 if we weren't going to be able to continue the wood processing operation. That said, this SPR must consider this enterprise be viewed

as one that supports RSA 674:17 Purposes of Zoning Ordinances (J) TO encourage the installation and use of solar, wind, or other renewable energy systems.... Someone has to process the wood before it goes in the stoves.

BI Bunker however is getting antsy and required us to shut this operation down immediately, perhaps not realizing that I am working on this diligently. As I informed him in an Email today, 1 Feb 2022, "I fully intend to comply with the conditions put forth on my Special Exception, however I am not in control of others ability to act in a timely manner."

The Hardship for granting this SPR Waiver would be it would shut down Mr. Gawrys ability to continue processing wood through no fault of his own. And God knows I am trying to rectify this oversight on my part.

Granting this SPR Waiver would in no way be contrary to the Spirit of this regulation for the same reason I used in my request to the ZBA, which I have enclosed.

On Mon 31 Jan 2022 I received an Email from BI Bunker in which he made 2 incorrect assumptions. First: I had a discussion at the 5 Jan 2022 PB meeting and the PB was aware of my intent to hold off on applying for SPR until the driveway permit was approved. Although this was not reflected in the minutes of the meeting, it did happen. Second: BI Bunker did know that the driveway permit had been requested, as he had a copy of it in his files. BI Bunker also incorrectly assumed that an Email from PB Mr. Hadik dated Tue 25 Jan 2022, had been received by me and that I had not responded to Mr. Hadik's request to respond by Fri 28 Jan 2022. This Email was mistakenly sent to the incorrect address and never received by me. Normally BI Bunker is extremely thorough, however, this time a simply request from me as to what the status of these conditions were, would have avoided this conflict.

In an Email from BI Bunker on Tue 1 Feb 2022 he states "if there are no consequences for prematurely commencing operations, where is the incentive to do things right in the first place?" 18 years on the ZBA and I still don't completely understand every nuance of every ordinance. I still can't appreciate that "woodworking and processing firewood" are the same thing. BI Bunker also refused my request to lift his demand that we must "stop immediately". I intend to file "An Appeal to Administration Decision" with the ZBA within 30 days if this situation cannot be resolved.

This parcel went through SPR 10 Mar 1999 for construction of a cell tower. Since then, many loads of gravel have been brought in to improve the driveway. This parcel and the adjoining one have been logged off using this access drive. No additional land will be cleared and no additional trees will be cut in conjunction with Mr. Gawrys processing of firewood. No additional structures or improvements. Please contact me for any additional information you may require.

Trustee's Certificate

I, Kevin C. Scott state that I am a Trustee of the Kevin C. Scott and Annette M. Scott Irrevocable Trust dated February 14, 2019

And that as of the date of the signing of this certificate the Trust is in full force and effect; and

That I am authorized to sign for the aforesaid Trust

 _____

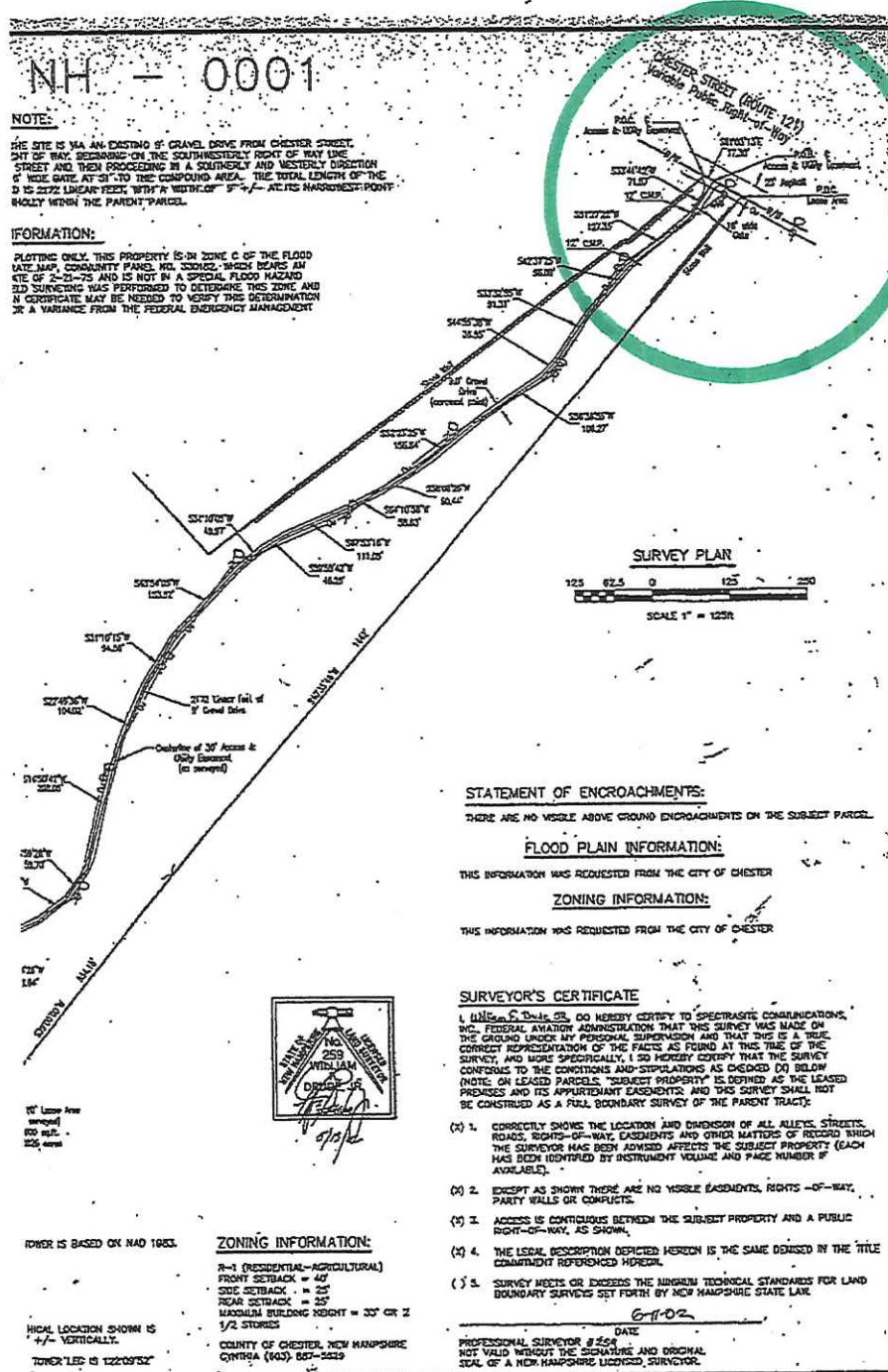
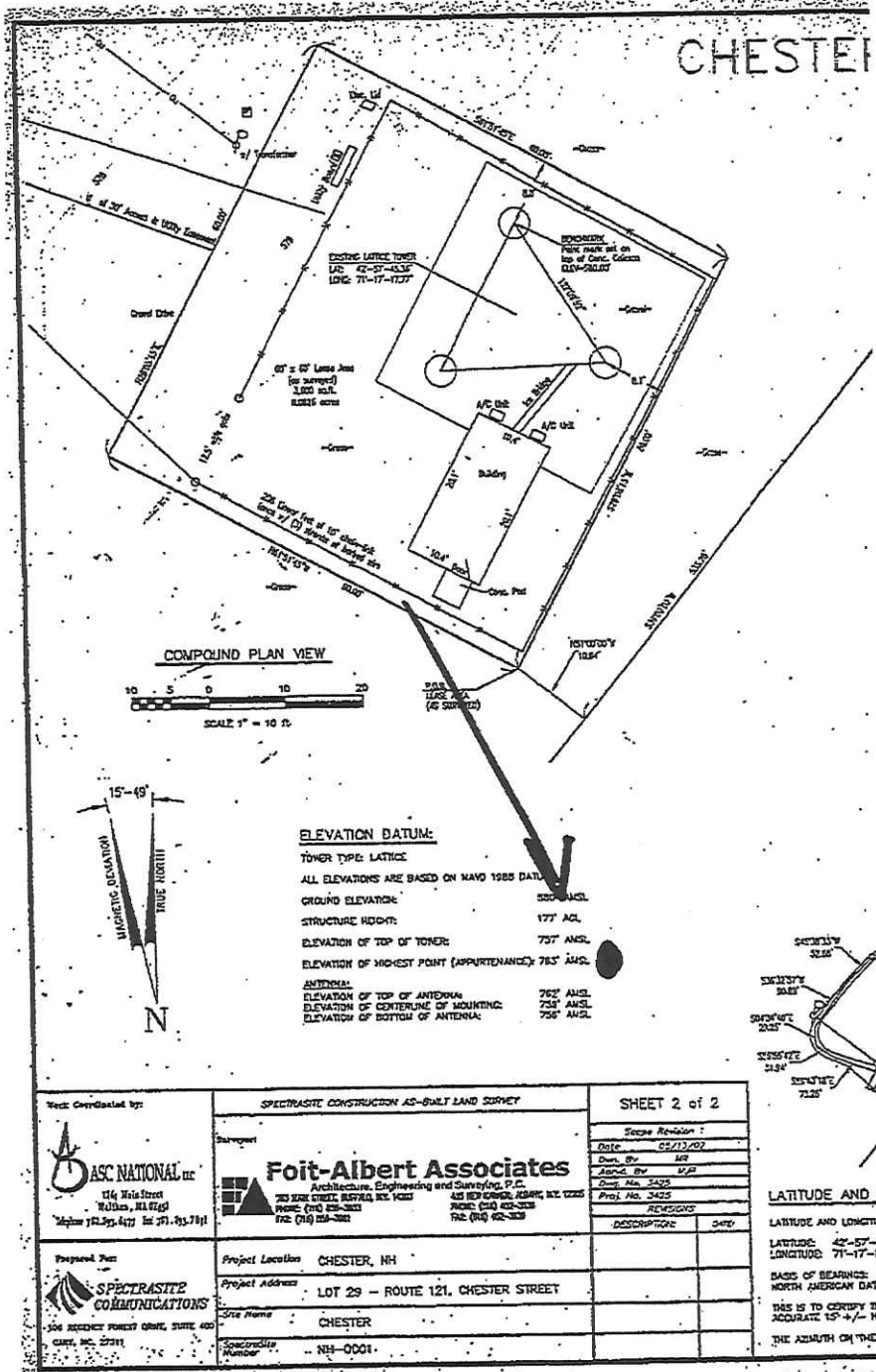
Date: 2 NOV 2021

Kevin C. Scott

M&L 4-29







#6

PG13

CELL TOWER DRIVEWAY

SIX AMADIE - 2,172 LINEAR FT LONG

CHESTER NH - 0001

45

LEMENT DESCRIPTION (AS SURVEYED):

of Rockingham, State of New Hampshire and being a 30' parcel of land, now of formerly in the name of Kevin C. Scott, recorded in Plan No. 90 of the Rockingham Records, the settled as follows:

said Parcel B at a point on the southwest line of

30 feet to the place of beginning;

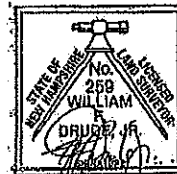
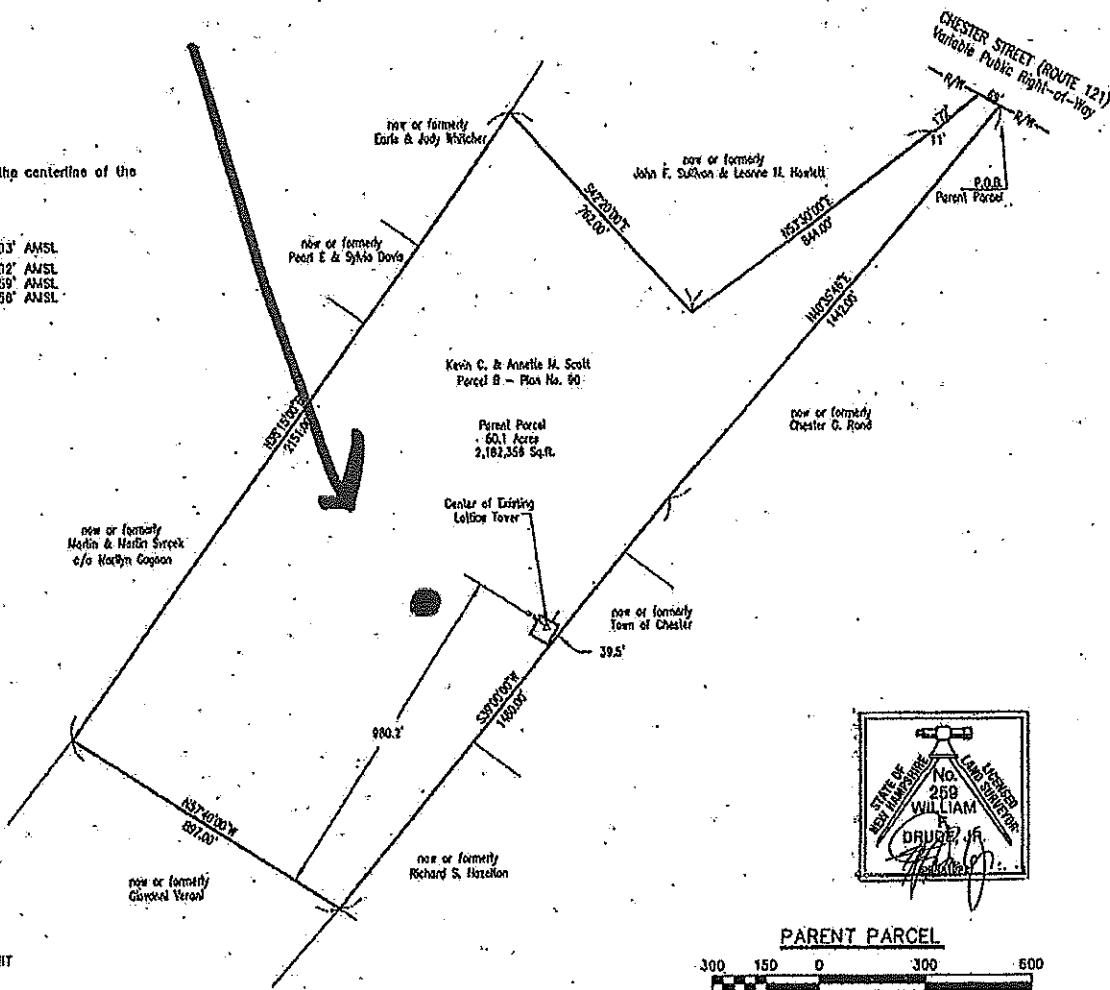
.87 feet;
7.39 feet;
1.09 feet;
1.31 feet;
1.93 feet;
6.27 feet;
10.84 feet;
1.44 feet;
1.83 feet;
1.09 feet;
1.20 feet;
1.97 feet;
13.52 feet;
1.68 feet;
14.02 feet;
10.00 feet;
1.70 feet;
1.97 feet;
1.38 feet;
9.84 feet;
1.68 feet;
1.80 feet;
1.25 feet;
94 feet;
28 feet to the termination of the centerline of the rd.

BEST POINT (APPURTENANCE): 703' AMSL
OF ANTENNA: 702' AMSL
CENTERLINE OF MOUNTING: 769' AMSL
TOW OF ANTENNA: 758' AMSL

LEASE AREA DESCRIPTION (AS SURVEYED):

Situated in the City of Chester, County of Rockingham, State of New Hampshire and being a 60' x 60' lease area on part of a parcel of land, now of formerly in the name of Kevin C. & Annette M. Scott, being Parcel B as recorded in Plan No. 90 of the Rockingham Records.

Commencing at the northeast corner of said Parcel B at a point on the southwest line of Chester Street (Route 121)
Thence, S 40°35'46" W, a distance of 1442 feet;
Thence, S 39°00'00" W, a distance of 638.28 feet;
Thence, N 51°00'00" W, a distance of 10.84 feet to the place of beginning;
Thence, N 61°51'45" W, a distance of 60.00 feet;
Thence, N 28°08'15" E, a distance of 60.00 feet;
Thence, S 61°51'45" E, a distance of 60.00 feet;
Thence, S 28°08'15" W, a distance of 60.00 feet to the place of beginning and containing 3,600 Sq.ft. (0.0826 acres) of land.



PARENT PARCEL

300 150 0 300 600

SCALE 1" = 300ft

SURVEY LEGEND

- [] AIR CONDITIONING UNIT
- CHAINLINK FENCE
- CG. CONCRETE
- P. EDGE OF PAVEMENT
- EV. ELEVATION
- OVERHEAD WIRE
- 2. PROPERTY LINE
- S. MEASURED
- CG. RECORD
- RIGHT-OF-WAY
- 25A. SPOT ELEVATION
- UTILITY POLE
- ELECTRIC METER
- TELEPHONE PEDESTAL

UTILITY INFORMATION:

THE UNDERGROUND UTILITIES SHOWN HAVE BEEN LOCATED FROM FIELD SURVEY AND RECORD INFORMATION PROVIDED. THE SURVEYOR MAKES NO GUARANTEE THAT THE UNDERGROUND UTILITIES SHOWN COMPRISE ALL SUCH UTILITIES IN THE AREA, EITHER IN SERVICE OR ABANDONED. THE SURVEYOR FURTHER DOES NOT WARRANT THAT THE UNDERGROUND UTILITIES SHOWN ARE IN THE EXACT LOCATION INDICATED. ALTHOUGH THEY ARE LOCATED AS ACCURATELY AS POSSIBLE FROM RECORD INFORMATION AVAILABLE, THE SURVEYOR HAS NOT PHYSICALLY LOCATED THE UNDERGROUND UTILITIES.

NEW HAMPSHIRE UTILITY LOCATION SERVICE:
CALL UNDERGROUND FACILITIES PROTECTIVE ORGANIZATION AT
1-800-282-8555 TWO FULL WORKING DAYS BEFORE DIGGING.

SURVEYORS NOTE:

THE BOUNDARY OF THIS SURVEY IS ILLUSTRATED FROM THE COMMITMENT FOR TITLE INSURANCE PREPARED BY AMERICAN TITLE COMPANY COMMITMENT NO. 1600438-15 AND IS APPROXIMATE ONLY.

THE TOPOGRAPHIC SURVEY FOR THIS MAP WAS PERFORMED ON MAY 09, 2002

STAKING NOT POSSIBLE DURING TIME OF FIELDWORK

Return to PO Box 340
84 Chester Street
Chester, NH 03036

CHESTER, NEW HAMPSHIRE

NOTICE OF DECISION – GRANTED

Map/Lot #004-029-000

Address: 359 Chester Street, Chester, NH 03036

Date: December 21, 2021

You are hereby notified that the appeal of Kevin C. Scott on behalf of Brett A. Scott and Christian C. Scott, Trustees of the Kevin C. Scott and Annette M. Scott Irrevocable Trust dated February 14, 2019

For a Special Exception

In accordance with the criteria of Article 5, Section 5.3.3.1 Saw mills and logging operations and other woodworking operations and Article 11, Section 11.4 criteria for granting of a Special Exception

As provided in the Town of Chester Zoning Ordinance

To Permit processing and storage of wood

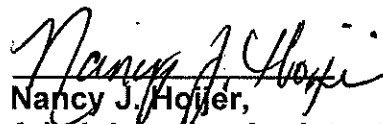
Has been GRANTED, subject to the conditions listed below:

Conditions:

- 1. Site Plan Review with the Planning Board to address the scope of the operation; and**
- 2. NH DOT to review the existing driveway permit dated 5/12/1998 – Permit #085-98-5, pursuant to Item #11 which requires any change of use shall require a new permit.**

By the affirmative vote of a majority of the Zoning Board of Adjustment.

Dated: December 22, 2021


Nancy J. Hoyer,
Administrative Assistant

NEW HAMPSHIRE DEPARTMENT OF TRANSPORTATION

District 1, 641 Main St, Lancaster, NH 03584
District 2, 8 Eastman Hill Road, Enfield, NH 03748
District 3, 2 Sawmill Rd, Gilford, NH 03249

District 4, 19 Base Hill Road, Swanzey, NH 03446
District 5, 16 East Point Drive, Bedford, NH 03110
District 6, PO Box 740, Durham, NH 03824

APPLICATION FOR DRIVEWAY PERMIT

Pursuant to the provisions of **Revised Statutes Annotated, Chapter 236, Section 13** (printed on reverse of application) and amendments thereto, and **Declaratory Ruling 2000-01**, permission is requested to: (select one): ~~Construct~~ / **Alter usage** (Indicate quantity of) 1 driveway entrance(s) to my property on the (select): ~~North~~ / ~~South~~ / ~~East~~ / ~~West~~ side of **NH Route 121** or **Street/Road: 359 Chester Street** In the **Town of Chester, NH** at a location which will meet the requirements for safety specified in said statutes.

The driveway entrance(s) requested is (are) for access to: See enclosed statement

~~Residence, Industry, Business, Subdivision, Other~~

Describe nature and size of industry, business or subdivision: See enclosed statement

15 Feet (select): ~~North~~ / ~~South~~ / ~~East~~ / ~~West~~ of Utility Pole Number: 10T / PSNH / 2 / 49Y / 45 1/2

1330 Feet (select Feet or Miles): ~~North~~ / ~~South~~ / ~~East~~ / ~~West~~ of Road or Junction: Intersection of Route 121 & Candia Road

Town Tax Map # 4 and Lot # 29

As the landowner (or designated applicant) I agree to the following:

1. To construct driveway entrance(s) only for the bonafide purpose of securing access to private property such that the highway right-of-way is used for no purpose other than travel.
 2. To construct driveway entrance(s) at permitted location(s).
 3. To construct driveway entrance(s) in accordance with statutes, rules, standard drawings, and permit specifications as issued by the New Hampshire Department of Transportation.
 4. To defend, indemnify and hold harmless the New Hampshire Department of Transportation and its duly appointed agents and employees against any action for personal injury and/or property damage sustained by reason of the exercise of this permit.
 5. To furnish and install drainage structures that are necessary to maintain existing highway drainage and adequately handle increased runoff resulting from the land development and obtain all easements thereto.
 6. I am the owner or a duly authorized agent of the owner of the parcel upon which the driveway will be constructed. I have provided accurate and complete title and subdivision information concerning the parcel to the Department. I understand that the Department is relying on this information in considering this application and that the Department does not perform independent title research or make judgments about title or access disputes.
- For new driveway(s), include copy of current deed and, if not the same, previous deed dated prior to July 1, 1971 of the parcel. If this parcel is part of a larger tract subdivided after July 1, 1971, then provide complete subdivision plans and deed history dating back to at least July 1, 1971.
 - Attach sketch or plan showing existing and proposed driveway(s) and the adjacent highway indicating distance to town road, town line, or other readily identifiable feature or landmark and also to the nearest utility pole (including pole numbers)


Signature of Landowner (Applicant)

Kevin C. Scott

Printed Name of Landowner

Date: December 23, 2021

PO Box # 1

Mailing Address

Chester, NH 03036-0001

Town/City, State, Zip Code

Telephone Number(s) 603-327-4406

Contact /Agent, if not Landowner: _____

FOR OFFICE USE ONLY:

GPS N = _____ GPS W = _____

Section: _____ Width: _____ Speed: _____

Right of Way: _____ Drainage: _____ SLD: _____

Conditions: _____

Permit Number Assigned: _____

Supplement page to: NH Application for Driveway Permit

The driveway entrance requested is for access to: Amend the current permit number 085-98-5, Specification Line # 11, to include a potential residence and access to a small area adjacent to the cell tower for cutting, splitting and storing until dry ... no more than 250 cords / 35 grapple loads per year of fire wood. This processing of wood will be conducted Monday thru Saturday, during daylight only. This request requires no subdivision of this 51-acre property and no further construction of the existing driveway. This is not a new driveway and no subdivision has taken place on this parcel.

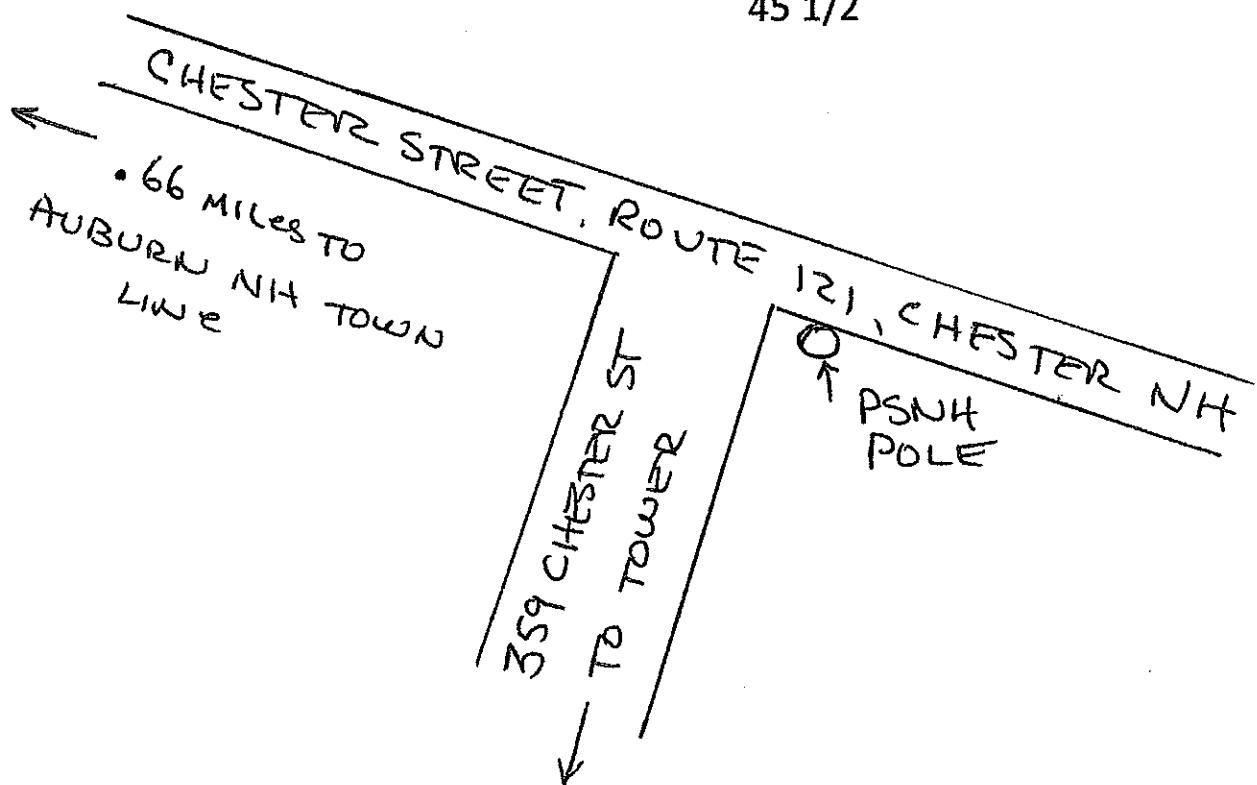
This driveway is 15 ft. next to PSNH Pole # 10T

PSNH

2

49Y

45 1/2



CHESTER PLANNING BOARD
CHESTER, NEW HAMPSHIRE

CONDITIONAL SITE PLAN REVIEW APPROVAL
(AMENDED JANUARY 27, 1999)

Approval is hereby granted of the application of Kevin and Annette Scott/NEXTEL Communications (the "Applicant") for site plan approval to erect a telecommunications tower located on Chester Street, Chester, New Hampshire identified as Map #4, Lot #29, as shown on a certain plan entitled "NEXTEL Communications" with revision date November 2, 1998, subject to the following:

1. Meeting the "Conditions" set by the Town of Chester Zoning Board of Adjustment dated April 20, 1998, as follows:
 - a. Only one (1) tower on the fifty (50) acre parcel.
 - b. No further subdivision as long as used for a telecommunications facility.
 - c. Site Plan review by the Planning Board.
 - d. Tower height limited to 180 feet with no lighting.
2. A gate will be installed at the roadway entrance.
3. The date of "Conditional Approval" is determined to be _____December 9, 1998_____
4. The terms of this "Conditional Approval" shall be binding on the Applicant, their heirs and assigns.

Chester Planning Board

Scott H. H. H.
Chairman

3-10-98
Date

[REDACTED]
Administrative Assistant

3-10-99
Date

0017606

MAR 12 11 38 AM '99

ROCKINGHAM COUNTY
REGISTRY OF DEEDS

Chapter II: POWERS AND DUTIES OF THE ZONING BOARD OF ADJUSTMENT


AUTHORITY TO REGULATE THE USE OF LAND

The following statutes outline the authority of towns to adopt a zoning ordinance and the extent to which a zoning ordinance may regulate the use of land.

RSA 674:16 Grant of Power

- I. For the purpose of promoting the health, safety, or the general welfare of the community, the local legislative body of any city, town, or county in which there are located unincorporated towns or unorganized places is authorized to adopt or amend a zoning ordinance under the ordinance enactment procedures of RSA 675:2-5. The zoning ordinance shall be designed to regulate and restrict:
 - (a) The height, number of stories, and size of buildings and other structures;
 - (b) Lot sizes, the percentage of a lot that may be occupied, and the size of yards, courts and other open spaces;
 - (c) The density of population in the municipality; and
 - (d) The location and use of buildings, structures and land used for business, industrial, residential, or other purposes.

RSA 674:17 Purposes of Zoning Ordinances

- I. Every zoning ordinance shall be adopted in accordance with the requirements of RSA 674:18. Zoning ordinances shall be designed:
 - (a) To lessen congestion in the streets;
 - (b) To secure safety from fires, panic and other dangers;
 - (c) To promote health and the general welfare;
 - (d) To provide adequate light and air;
 - (e) To prevent the overcrowding of land;
 - (f) To avoid undue concentration of population;
 - (g) To facilitate the adequate provision of transportation, solid waste facilities, water, sewerage, schools, parks, child day care;
 - (h) To assure proper use of natural resources and other public requirements;
 - (i) To encourage the preservation of agricultural lands and buildings and the agricultural operations described in RSA 21:34-a supporting the agricultural lands and buildings; and
 -  (j) To encourage the installation and use of solar, wind, or other renewable energy systems and protect access to energy sources by the regulation of orientation of streets, lots, and buildings; establishment of maximum building height, minimum set back requirements, and limitations on type, height, and placement of vegetation; and encouragement of the use of solar skyspace easements under RSA 477. Zoning ordinances may establish buffer zones or additional districts which overlap existing districts and may further regulate the planting and trimming of vegetation on public and private property to protect access to renewable energy systems.
- II. Every zoning ordinance shall be made with reasonable consideration to, among other things, the character of the area involved and its peculiar suitability for particular uses, as well as with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the municipality.

110

(A) For purposes of this subparagraph, "unnecessary hardship" means that, owing to special conditions of the property that distinguish it from other properties in the area:

(i) No fair and substantial relationship exists between the general public purposes of the ordinance provision and the specific application of that provision to the property; and

(ii) The proposed use is a reasonable one.

(B) If the criteria in subparagraph (A) are not established, an unnecessary hardship will be deemed to exist if, and only if, owing to special conditions of the property that distinguish it from other properties in the area, the property cannot be reasonably used in strict conformance with the ordinance, and a variance is therefore necessary to enable a reasonable use of it.

11.4 - Conditions for Granting of a Special Exception

Special exception means the use which would not be appropriate generally or without restriction in a particular district, and, accordingly, is allowable only upon such conditions as are established by this Ordinance, for the uses set forth in Subsection 5.3.3 and 5.7.8, and only after a public hearing.

The Zoning Board of Adjustment, in its discretion, may require Site Plan Review by the Planning Board as a condition of approval. Site Plan Review by the Planning Board may result in additional conditions being set to ensure compliance with the intent of the Chester Zoning Ordinance.
(5/10/2016)

11.4.1 - Findings

For the purpose of this Ordinance, the following findings shall first be established prior to the grant of all special exceptions subject to the conditions as defined in Subsection 11.4.2.

11.4.1.1 - That the use will not be detrimental to the character and enjoyment of a neighborhood by reason of undue variation from the kind, and adverse violation of the character or appearance of the neighborhood. *THE CLOSEST HOMES ARE OVER 2000' AWAY FROM THIS OPERATION.*

11.4.1.2 - That the use will not be injurious, obnoxious or offensive and thus detrimental to the neighborhood. *DUE TO THE DISTANCE AWAY I CAN'T BELIEVE THIS OPERATION WILL EVEN BE NOTICED.*

11.4.1.3 - That the use will not be contrary to the public health, safety or welfare by reason of undue traffic, congestion or hazards, undue risk to life and property, unsanitary or unhealthful emissions or waste disposal or similar adverse causes or conditions. *NO UNDOE TRAFFIC, CONGESTION OR HAZARDS WERE NOTED DURING THE TIMBER HARVEST*

11.4.1.4 - That as to all uses subject to site plan review by the Planning Board pursuant to RSA 674:43 and the Chester Site Plan Review Regulations, that approval by the Planning Board of the applicant's site plans are on file with the Board of Adjustment prior to final approval. *THIS PROPERTY WENT THROUGH SITE PLAN REVIEW BY THE PLANNING BOARD IN 1998 BEFORE THE CELL TOWER WAS ERECTED.*

11.4.1.5 - That there shall be no detriment to property values in the vicinity or change in the essential characteristics of a residential neighborhood on account of the location, or scale of buildings and other structures, parking areas, access ways, odor, smoke, gas, dust or other *AS THE CELL TOWER HAS NOT IMPACTED PROPERTY VALUES, I CAN'T BELIEVE MR. GAWAYS 24" WOOD 101 SPLITTER AND ELEVATOR WOULD EITHER*

pollutant, noise, glare, heat, vibration, or unsightly outdoor storage of equipment, vehicles or other materials. **NO PART OF THIS OPERATION IS VISIBLE FROM THE STREET**

11.4.1.6 - That there shall be no creation of a traffic safety hazard or substantial increase of traffic congestion in the vicinity. **THIS DRIVEWAY HAS BEEN PERMITTED BY THE STATE. ENTRY + EXIT OF THIS PROPERTY WILL NOT BE ON A DAILY BASIS.**

11.4.1.7 - That there shall be no excessive demand on municipal services including, but not limited to, water, sewer, waste disposal, police and fire protection, and schools. **NONE**

11.4.1.8 - That there shall be no significant increase of storm water runoff onto adjacent property or streets. **THIS OPERATION IS ON THE FLATTEST PORTION OF THE HILL TOP.**

11.4.1.9 - That there shall be no adverse impact on surface or ground water from onsite water supply or sewage disposal. **N/A**

11.4.1.10 - That there shall be no severe soil erosion or water pollution. **NONE**

11.4.1.11 - That there shall be no danger to abutting property posed by potential collapse of any structure. **N/A**

11.4.2 - Conditions

Special exception approvals may be subject to appropriate conditions including the following:

11.4.2.1 - Front, side or rear yards in excess of the minimum requirements of this Ordinance. **YES. SEE SURVEY**

11.4.2.2 - Screening of the premises from the street or adjacent property by walls, fences or other devices. **OVER 2000' AWAY FROM ANY ADJACENT PROPERTY**

11.4.2.3 - Modification of exterior features of buildings or other structures. **NO BUILDINGS
NO STRUCTURES**

11.4.2.4 - Limitations on the size of buildings or other structures more stringent than minimum or maximum requirements of this Ordinance. **N/A**

11.4.2.5 - Limitations on the number of occupants and methods and times of operation. **DAY LIGHT ONLY - IN GOOD WEATHER.**

11.4.2.6 - Grading of the tract for proper drainage. **THIS HAS NEVER BEEN AN ISSUE.**

11.4.2.7 - Regulation of design for access drives, sidewalks and other traffic features. **APPROVED DRIVEWAY PERMIT (1988) APPROVED SITE PLAN (1988)**

11.4.2.8 - Off street parking and loading spaces in excess of the minimum requirements of this Ordinance. **THIS IS A 51 ACRE PARCEL**

11.4.2.9 - Regulation for signs more stringent than the requirements of this Ordinance. **NO SIGNS
EXCEPT FOR STREET NUMBER.**

11.4.2.10 - Measures to mitigate adverse environmental impact including erosion, mass soil movement and water pollution during and after construction. **NO CONSTRUCTION INVOLVED.
ONLY STORAGE OF LOGS, ASPHALT + ELEVATOR + PILES OF CUT FIRE WOOD TO DRY.**

11.4.2.11 - The Board of Adjustment may require the posting of a bond in an amount sufficient to secure the construction of necessary improvements. **NO ALTERATIONS OR
IMPROVEMENTS ARE PLANNED**



Annette Scott <pianomum3149@gmail.com>

#1

359 Chester St

Myrick Bunker <MBunker@chesternh.org>
To: Annette Scott <pianomum3149@gmail.com>
Cc: Debra Doda <DDoda@chesternh.org>

Mon, Oct 25, 10:16 AM

Good morning Kevin,

I know this property is in Brett and Christian's names as trustees, but I don't have an email for either of them. We were at this location this morning and saw the firewood processing operation (see pics). The processing of agricultural products is only permitted by special exception in the residential zone. A review of the file for this location did not reveal said exception or permit for this use.

Please have the operator correct this oversight as soon as possible.

Thank you,

Myrick Bunker

603-887-3636 ext 101 or option 3

Building Inspector & Code Enforcement

84 Chester Street

Chester, NH 03036

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IMG_20211025_084344385.jpg, IMG_20211025_084348146.jpg, IMG_20211025_084354406_TOP.jpg

359 Chester

Myrick Bunker <MBunker@chesternh.org>
To: Annette Scott <pianomum3149@gmail.com>

Mon, Jan 31, 2022 at 11:56 AM

Kevin,

I understand the special exception was granted 12/21/21, for the firewood operation, with conditions that Site Plan Review (SPR) be done and a driveway permit from the state be obtained. To date no application for SPR has been received and it is unknown if the DOT permit has been applied for or granted.

Based on the above, the firewood operation is not in compliance and must stop immediately, until such time as the conditions of the Special Exception are met.

Failure to comply with this notice may result in court action and subject you to fines, as set forth in RSA 676:17 I, of \$275 for the first offense and \$550 for subsequent offenses, for each day that such violation is found to have continued after you received this notice. State law also provides that the Town may recover its costs, including reasonable attorney fees, arising from its successful prosecution of this matter. Per NH RSA 676:15, the Town may seek injunctive relief, up to and including a cease and desist order, subjecting you to civil penalties, reimbursement of costs, including attorney fees.

Per NH RSA 674:33, you may apply to the Zoning Board of Adjustment for: Appeal of An Administrative Decision, Variance, Special Exception or Equitable Waiver of Dimensional Requirements. Per CZO Article 11 section 11.2 § 11.2.1 "An application for appeal to the Board of Adjustment seeking relief from a decision of an administrative official shall be filed on forms provided by the Board of Adjustment, within thirty (30) days of the date of the decision being appealed from."

As always, if you have questions or I can be of assistance, please feel free to contact me.

Thank you,

Myrick Bunker

603-887-3636 ext 101 or option 3

Building Inspector & Code Enforcement

[84 Chester Street](#)

PG 23



Annette Scott <pianomum3149@gmail.com>

359 Chester Street

2 messages

Annette Scott <pianomum3149@gmail.com>
To: Myrick Bunker <MBunker@chesternh.org>

Tue, Feb 1, 2:22 PM

Myrick,

Response to your message of Mon 31 Jan 2022. I have in fact applied to NH DOT for a amendment to my existing driveway permit for 359 Chester Street on 23 Dec 2021 just 2 days after my Special Exception was granted by the Chester ZBA. I believe you are in possession of a copy of that application. As of a phone call to "Brian" at District 5 in Bedford yesterday I have left a message inquiring as to it's approval. As of 2PM today no answer has been forthcoming. On 5 Jan 2022 my SPR was discussed at the Chester PB meeting and although the minutes don't accurately reflect the entire discussion we had , it was agreed that we would hold off on the SPR Application until the driveway permit was returned. It is true we are not in compliance yet, but we are working on it. I fully intend to comply with the conditions put forth on my Special Exception, however I am not in control of others ability to act in timely manners. Please lift your request that we "stop Immediately" the firewood operation at this location. Thank You, Kevin C. Scott.

Myrick Bunker <MBunker@chesternh.org>
To: Annette Scott <pianomum3149@gmail.com>

Tue, Feb 1, 3:15 PM

Kevin,

I apologize for not knowing that we had a copy of the DOT application. I had know way of knowing about your conversation with the PB. However, Andrew told me he sent you an email on 25 January, with all the necessary information and forms and a requirement that you apply by Friday Jan. 28. So you can understand my confusion.

While I appreciate that you did discuss it with Planning and are trying to resolve this, I am not inclined to remove the stop work order. All of this should have been done prior to commencing operations and if there are no consequences for prematurely doing so, where is the incentive to do things properly in the first place?

Thank you,

Myrick Bunker

603-887-3636 ext 101 or option 3

Building Inspector & Code Enforcement

84 Chester Street

Chester, NH 03036

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PG 24

Hello Kevin,

I was in Myrick's office to discuss a different site plan. A resident happened to come up to the window. He made a very pointed inquiry about whether an application for Site Plan Review (SPR) had been submitted yet for the wood processing operation on your tower lot (M&L 4-29). I replied that nothing had been received yet. The resident was displeased (though still acting respectful) to hear this.

After the resident left, Myrick noted that this was brought to your attention a couple months ago. FYI, he said he will be issuing a Cease & Desist order if an application for SPR is not received by the end of Friday.

Just a friendly reminder that you need to apply for SPR. The application fee will be \$405.00 (see breakdown below). As you already know, the PB will not require an engineering review or drainage report because the footprint of the operation is under an acre, and no additional vegetation is being cleared to accommodate it.

I have also attached a fillable SPR application form and waiver request. The section of the SPR regs you would be requesting a waiver from is Article 7 – Specific Plan Requirements. I do not think a drafted plan is required. I can mark up an aerial photo and forward it for you to attach to your application if you like.

Please let me know if you have any questions.

Regards,

Andrew

Andrew L. Hadik

Town Planner, Chester Planning Board

Office: 603.887.3636 Ext. 105 or Option 4

Town of Chester, 84 Chester Street, Chester, NH 03036



100 foot Abutters List Report

Chester, NH

November 02, 2021

Subject Properties:

Parcel Number: 004-029-000
CAMA Number: 004-029-000-000
Property Address: 359 CHESTER ST

Mailing Address: SCOTT(TRUSTEES), BRETT & CHRIS
PO BOX 1 KEVIN & ANNETTE SCOTT
IRREVOC
CHESTER, NH 03036

Parcel Number: 004-029-000
CAMA Number: 004-029-000-00T
Property Address: 359 CHESTER ST

Mailing Address: SPECTRASITE COMMUNICATIONS
PO BOX 723597
ATLANTA, GA 31139

Abutters:

Parcel Number: 001-072-000
CAMA Number: 001-072-000-000
Property Address: BRIDLE PATH

Mailing Address: HAZELTON REVOCABLE TRUST
1 WEBSTER LANE
CHESTER, NH 03036

Parcel Number: 004-005-000
CAMA Number: 004-005-000-000
Property Address: CHESTER ST

Mailing Address: SCOTT(TRUSTEES), KEVIN & ANNET
PO BOX 1 BLACK AZES REVOC TRUST
CHESTER, NH 03036

Parcel Number: 004-006-000
CAMA Number: 004-006-000-000
Property Address: SILVER HILL RD

Mailing Address: VERANI, GIOVANNI
73 PAGE RD VERANI 2004 REVOC
TRUST
LONDONDERRY, NH 03053

Parcel Number: 004-011-000
CAMA Number: 004-011-000-000
Property Address: SILVER HILL RD

Mailing Address: GAGNON, MARILYN THEOLE, JAMES &
CHRISTINA
125 LOWELL RD
WINDHAM, NH 03087

Parcel Number: 004-023-001
CAMA Number: 004-023-001-000
Property Address: 407 CHESTER ST

Mailing Address: WHITCHER, EARLE WHITCHER, JUDY
407 CHESTER ST
CHESTER, NH 03036

Parcel Number: 004-027-000
CAMA Number: 004-027-000-000
Property Address: 361 CHESTER ST

Mailing Address: SULLIVAN, JOHN & LEANNE
361 CHESTER ST
CHESTER, NH 03036

Parcel Number: 004-028-000
CAMA Number: 004-028-000-000
Property Address: 374 CHESTER ST

Mailing Address: BROADWATER, THEODORE RIGGIE,
MIELLE
374 CHESTER ST
CHESTER, NH 03036

Parcel Number: 004-030-000
CAMA Number: 004-030-000-000
Property Address: 346 CHESTER ST

Mailing Address: VEALE(TRUSTEES), DAVID & MARIA
346 CHESTER ST VEALE REVOC TRST
2018
CHESTER, NH 03036

Parcel Number: 004-031-000
CAMA Number: 004-031-000-000
Property Address: CHESTER ST

Mailing Address: RAND, ISOBEL REVOC TRUST RAND,
ISABEL G
2783 ELM ST
MANCHESTER, NH 03104



www.cai-tech.com

11/2/2021

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Page 1 of 2

Abutters List Report - Chester, NH

PG 7

210
110
12-1 = 11 5320

11

Listing of Abutters for 359 Chester Street:

Map/Lot	Owner:	Address:
004-028	Broadwater, Theodore	374 Chester St. Chester 03036
004-030	Veale, David & Maria	346 Chester St. Chester 03036
4-81 → 004-081	Town of Chester	84 Chester St. Chester 03036 ✓
001-072	Hazelton Revoc Trust	1 Webster Lane, Chester 03036
004-023	Whitcher, Earle	407 Chester St. Chester 03036
004-027	Sullivan, John & Leanne	361 Chester St. Chester 03036
004-031	Rand, Isobel Revoc Trust	2783 Elm St, Manchester, NH 03104
004-006	Verani, Giovanni	73 Page Rd, Londonderry, NH 03053
004-011	Theole, James & Gagnon, Marilyn	125 Lowell Rd, Windham, NH 03087

12 TOTAL